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9 July 1952

MEMORANDUM TO: Deputy Director (Administration)
FROM: General Support Unit, Administrative Staff (Special)
SUBJECT: Home Leave for Overseas Personnel
REFERENCE: Attached Staff Study dated 23 June 1952

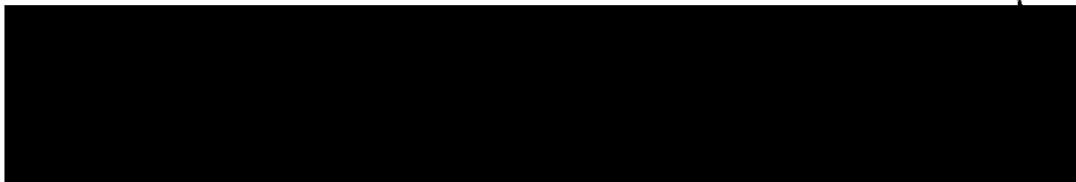
1. The reference staff study, in our opinion, does not present an accurate, fair, comprehensive analysis of the problems created by the enactment of Public Law 233.

2. Furthermore, insofar as the concurrences may have been based upon the purported illegality of lump sum terminal leave payments, we believe they may have been based on incomplete presentation and analysis and should be reconsidered.

3. We believe that at least two of the problems resulting from the enactment of Public Law 233 are:

a. The penalizing effect that accrual rates in Public Law 233 inflict upon new government employees with less than three years' service who are assigned overseas.

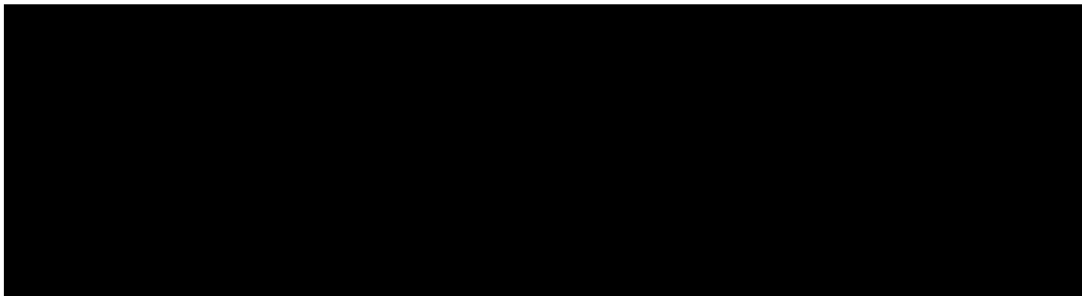
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4. Accordingly, we recommend reconsideration of this staff study toward the end that:

a. CIA not request extension of the benefits of Section 203(f) of Public Law 233 to this Agency, but that any request for statutory revision be directed toward Public Law 110;

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d. Prior to any final decision to eliminate lump sum terminal

leave payments, a fully coordinated procedure be developed to handle the administration of an alternate program;

25X1C e. Full consideration be given to the penalizing effects of Public Law 233 on [REDACTED]

5. We have taken this position for the reasons set forth in the following discussion:

a. Home Leave

(1) Public Law 233 does not "nullify" home leave provisions of Public Law 110. Section 5(a)(3) of Public Law 110 refers to 5 U.S.C. 30, 30a, and 30b. These paragraphs establish the former rate for the accrual of leave. Public Law 233 specifically repeals these paragraphs in the United States code. Therefore this section of Public Law 110 is not nullified but presumably continues in full force and effect subject to the new rates for accrual of leave as provided in Public Law 233.

(2) The true problem for this phase of the discussion, then, relates to the intent and understanding of Congress in the enactment of Public Law 233, and the consideration that accrual rates established thereunder do in fact effect a severe penalty upon new government employees with less than three years service who are assigned overseas.

(a) Individuals who have accepted their first Federal employment in overseas positions accrue annual leave at a rate of thirteen days a year. This means that a new employee would accrue a total of twenty-six days leave during his two year tour of duty. In order to maintain himself in a leave status for a thirty day period in the United States, the individual would need twenty days accumulated leave. He would therefore be allowed only three days annual leave at his post during each year of his service abroad if he were to maintain his eligibility for home leave upon the completion of two full years service.

(b) This problem is not peculiar to CIA but is equally true for all agencies which employ civilian personnel for assignment outside the United States. Apparently Congress intended to curtail accrual and accumulation of leave, but the extent to which the Congress intended to so penalize new overseas employees may be seriously questioned.

(3) A further question of consistency and Congressional intent is introduced by section 203(e) of Public Law 233, where it is stated that the leave granted "pursuant to this

act shall be exclusive of the time actually and necessarily occupied in going to and from his post of duty," and that "the provisions of this sub-section shall not apply with respect to more than one period of home leave in any twenty-four month period."

(a) The implications of this provision may be interpreted to mean that the individual may take his home leave during the two year period in which it is accrued provided he does not take home leave more than once during any particular two year period.

(4) Sub-section h. of section 203 provides that the "annual leave provided for in this section, including such leave as will accrue to an officer or employee during the year, may be granted at any time during such year as the heads of the various departments and independent establishments may prescribe."

(a) Again, these provisions would indicate, inasmuch as home leave is not specifically excluded, that home leave may be granted during the period of its accrual.

(5) Specific attention is directed to the fact that all of these problems and questions of intent apply to all government agencies employing personnel in overseas positions. They are not peculiar to CIA and any appeal addressed to legislative amendment in Public Law 233 should therefore be representative of the home leave problems created by that statute for all agencies.

(a) The unusual aspects of CIA cannot be accepted as justification for alteration in a general statute.

(b) Furthermore, the wisdom of requesting extension of foreign service leave, or other special privileges to CIA in a general statute is seriously questioned. It is not likely to be accepted because the apparent inequities introduced by Public Law 233 are equally applicable to the Department of Defense and other government agencies which are active in foreign areas.

(6) All of these general problems apply to CIA. In addition, however, there are specific considerations which are the particular concern of CIA and which should be clarified in leave legislation.

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(7) We therefore urge that any request submitted for the amendment of public law be directed toward the appropriate sections of Public Law 110.

(a) Should it be determined that such a request be directed toward the extension of benefits set forth in Section 203(f) of Public Law 233, the amendment should be made in Public Law 110 and justified on the basis of CIA's overseas career service.

(b) It is suggested, however, that it might be more appropriate to recommend that a special home leave provision be granted CIA in Public Law 110.

(c) It is emphasized further that whatever amendment may be requested, specific attention should be given to granting of home leave at a flat rate sufficient to carry eligible individuals in a leave status for thirty calendar days, and that such leave be granted once during any twenty-four month period in the discretion of the Director.

b. Payment of Lump Sum Terminal Leave

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(3) Therefore, there is no problem since the conclusion is a positive statement saying payments can be made while the problem says such payments cannot be made.

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(4) Since the problem as stated in the reference staff study is not in fact a problem, this discussion becomes purely a question of determining the desirability of paying lump sum terminal leave [REDACTED]

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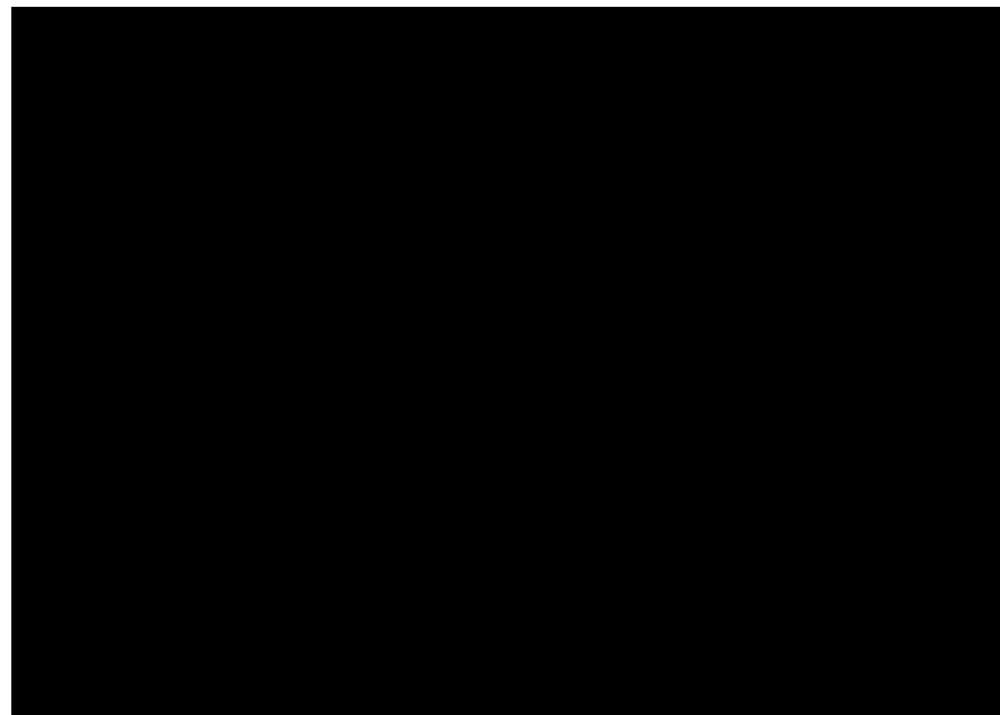
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(5) The question of the legality of terminal leave payment seems, in our interpretation, to be misrepresented.

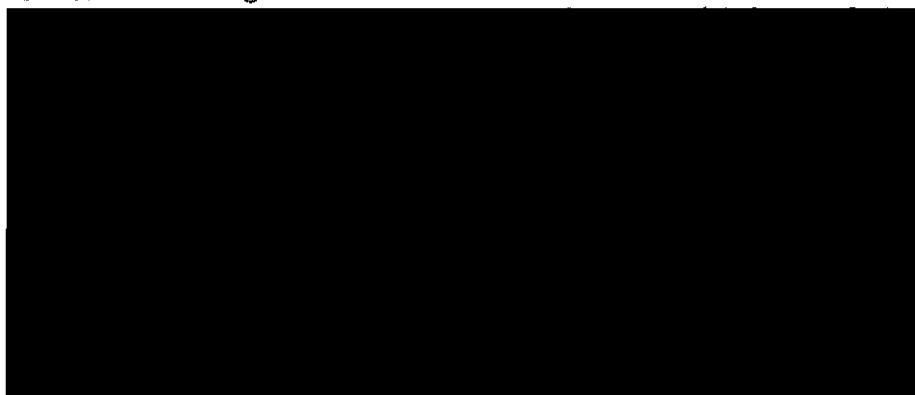
(a) Terminal leave may still be paid in lump sum upon termination or separation from the Federal Service.

(b) The discussion in the reference staff study states that lump sum leave cannot be paid because Public Law 233 standardizes the leave systems of all government agencies. This opinion, however, is based upon the assumption that there will be no administrative problem in transferring leave because of this standardization.

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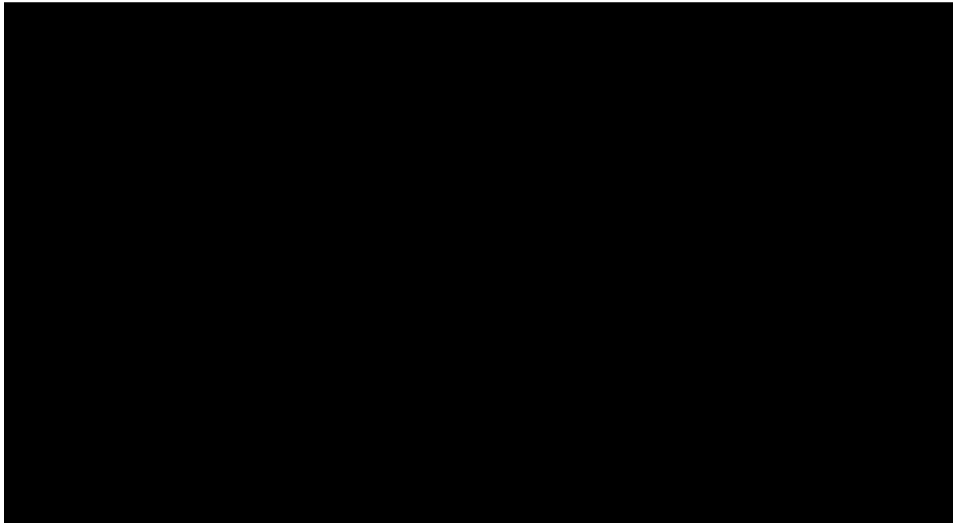


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payment. However, it is again emphasized that this is a discussion which can only be resolved through a determination regarding the desirability of terminal leave payments since it is clearly established that such payments are legal.

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(7) There is a real problem for consideration, however, regarding the leave of [REDACTED] under the terms of Public Law 233.



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(d) It is suggested that a staff study might well be directed toward the clarification of this factor.

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